



General Assembly

**Substitute Bill No. 43**

February Session, 2014



**AN ACT CONCERNING REVISIONS TO THE DEPARTMENT OF  
CHILDREN AND FAMILIES STATUTES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (d) of section 17a-11 of the 2014 supplement to  
2 the general statutes is repealed and the following is substituted in lieu  
3 thereof (*Effective October 1, 2014*):

4 (d) (1) Ten months after admitting a child or youth on a voluntary  
5 basis and annually thereafter if the child or youth remains in the  
6 custody of the commissioner and remains placed in a foster home  
7 licensed pursuant to section 17a-114 or a facility licensed pursuant to  
8 section 17a-145, the commissioner shall file a motion for review of a  
9 permanency plan. A hearing on such motion shall be held not later  
10 than thirty days after the filing of such motion. The court shall provide  
11 notice to the child or youth and such child's or youth's parent or  
12 guardian of the time and place of the hearing on such motion not less  
13 than ten days prior to the date of such hearing.

14 (2) At a permanency hearing held in accordance with the provisions  
15 of subdivision (1) of this subsection, the court shall approve a  
16 permanency plan that is in the best interests of the child or youth and  
17 takes into consideration the child's or youth's need for permanency.  
18 The health and safety of the child or youth shall be of paramount

19 concern in formulating such plan. At such hearing, the court shall  
20 consider among other things: (A) The appropriateness of the  
21 department's plan for service to the child or youth and his or her  
22 family; (B) the treatment and support services that have been offered  
23 and provided to the child or youth to strengthen and reunite the  
24 family; (C) if return home is not likely for the child or youth, the efforts  
25 that have been made or should be made to evaluate and plan for other  
26 modes of care; and (D) any further efforts [which] that have been or  
27 will be made to promote the best interests of the child or youth.

28 (3) The permanency plan pursuant to subdivision (2) of this  
29 subsection may include the goal of (A) placement of the child or youth  
30 with the parent or guardian, (B) transfer of guardianship, (C) long-  
31 term foster care with a relative licensed as a foster parent, [or certified  
32 as a relative caregiver,] (D) termination of parental rights and  
33 adoption, or (E) such other planned permanent living arrangement  
34 ordered by the court provided the commissioner has documented a  
35 compelling reason why it would not be in the best interest of the child  
36 or youth for the permanency plan to include the goals in  
37 subparagraphs (A) to (D), inclusive, of this subdivision. Such other  
38 planned permanent living arrangement may include, but not be  
39 limited to, placement of a child or youth in an independent living  
40 program or long-term foster care with an identified foster parent.

41 (4) At a permanency hearing, the court shall review the status of the  
42 child or youth and the progress being made to implement the  
43 permanency plan, determine a timetable for attaining the permanency  
44 prescribed by the plan and determine whether the commissioner has  
45 made reasonable efforts to achieve the permanency plan. At the  
46 conclusion of the hearing, the court may: (A) Direct that the services  
47 being provided, or the placement of the child or youth and  
48 reunification efforts, be continued if the court, after hearing,  
49 determines that continuation of the child or youth in services or  
50 placement is in the child's or youth's best interests, or (B) direct that the  
51 child's or youth's services or placement be modified to reflect the

52 child's or youth's best interest.

53 Sec. 2. Subdivision (13) of section 17a-93 of the 2014 supplement to  
54 the general statutes is repealed and the following is substituted in lieu  
55 thereof (*Effective October 1, 2014*):

56 (13) "Foster family" means a person or persons, licensed [or  
57 certified] by the Department of Children and Families or approved by  
58 a licensed child-placing agency, for the care of a child or children in a  
59 private home;

60 Sec. 3. Subsection (c) of section 17a-111b of the general statutes is  
61 repealed and the following is substituted in lieu thereof (*Effective*  
62 *October 1, 2014*):

63 (c) If the court determines that such efforts are not required, the  
64 court shall, at such hearing or at a hearing held not later than thirty  
65 days after such determination, approve a permanency plan for such  
66 child. The plan may include (1) adoption and a requirement that the  
67 commissioner file a petition to terminate parental rights, (2) long-term  
68 foster care with a relative licensed as a foster parent, [or certified as a  
69 relative caregiver,] (3) transfer of guardianship, or (4) such other  
70 planned permanent living arrangement as may be ordered by the  
71 court, provided the commissioner has documented a compelling  
72 reason why it would not be in the best interests of the child for the  
73 permanency plan to include one of the options set forth in subdivisions  
74 (1) to (3), inclusive, of this subsection. The child's health and safety  
75 shall be of paramount concern in formulating such plan.

76 Sec. 4. Section 17a-114a of the general statutes is repealed and the  
77 following is substituted in lieu thereof (*Effective October 1, 2014*):

78 A person licensed [or certified] pursuant to section 17a-114 shall be  
79 liable for any act or omission resulting in personal injury to a child  
80 placed in his care by the Commissioner of Children and Families to the  
81 same extent as a biological parent is liable for any act or omission  
82 resulting in personal injury to a biological child in his care.

83       Sec. 5. (NEW) (*Effective October 1, 2014*) (a) The Commissioner of  
84 Children and Families may, within available appropriations, provide  
85 funds to a foster family, as defined in subdivision (13) of section 17a-93  
86 of the general statutes, as amended by this act, or prospective adoptive  
87 family, as defined in subdivision (14) of said section, who is or will be  
88 caring for a foster child with physical disabilities, as defined in section  
89 1-1f of the general statutes, for the purpose of modifying the foster  
90 family's or prospective adoptive family's principal residence to safely  
91 accommodate such child. The type of modification and the amount of  
92 the funds to be provided shall be determined by the commissioner or  
93 the commissioner's designee. The commissioner or the commissioner's  
94 designee shall take into consideration any available income and  
95 resources of the foster family or prospective adoptive family when  
96 determining the modification and the amount of the funds to be  
97 provided and may, at any time, modify, suspend or discontinue the  
98 provision of such funds.

99       (b) The foster family or prospective adoptive family shall repay fifty  
100 per cent of the funds provided pursuant to subsection (a) of this  
101 section, except (1) if such child resides in the residence for one year,  
102 such family shall repay forty per cent of such funds, and (2) if the child  
103 resides in the residence for two years, such family shall repay thirty  
104 per cent of such funds, and (3) if the child resides in the residence for  
105 three years, such family shall repay twenty per cent of such funds, and  
106 (4) if the child resides in the residence for four years, such family shall  
107 repay ten per cent of such funds, and (5) if the child resides in the  
108 residence for five or more years, such family shall not repay such  
109 funds. The calculation of the annual repayment reduction shall  
110 commence from the date of the final provision of funds to the foster  
111 family or prospective adoptive family. The schedule for repayment of  
112 such funds shall be prescribed by the commissioner or the  
113 commissioner's designee.

114       (c) The commissioner or the commissioner's designee may place a  
115 lien against the residence for which the funds are provided to secure

116 the claim of the state for an amount equal to fifty per cent of the funds  
117 provided by the commissioner or the commissioner's designee minus  
118 any annual repayment reduction calculated pursuant to subsection (b)  
119 of this section. Such lien shall have priority over all other unsecured  
120 claims and unrecorded encumbrances. Such lien may be released by  
121 the commissioner or the commissioner's designee at his or her  
122 discretion.

123 (d) The Attorney General shall collect any claim the state may have  
124 under this section against the foster family or prospective adoptive  
125 family, and any amount recovered shall be paid to the State Treasurer,  
126 to be deposited in the General Fund. The statute of limitations shall not  
127 apply to any action for such collection.

128 Sec. 6. Subdivision (10) of subsection (g) of section 17a-28 of the 2014  
129 supplement to the general statutes is repealed and the following is  
130 substituted in lieu thereof (*Effective from passage*):

131 (10) The Governor, when requested in writing in the course of the  
132 Governor's official functions, the Legislative Program Review and  
133 Investigations Committee, the joint standing committee of the General  
134 Assembly having cognizance of matters relating to human services, the  
135 joint standing committee of the General Assembly having cognizance  
136 of matters relating to the judiciary or the [select] joint standing  
137 committee of the General Assembly having cognizance of matters  
138 relating to children, when requested in writing in the course of said  
139 committee's official functions, and upon a majority vote of said  
140 committee, provided no name or other identifying information is  
141 disclosed unless such information is essential to the gubernatorial or  
142 legislative purpose;

143 Sec. 7. Section 17a-106e of the 2014 supplement to the general  
144 statutes is repealed and the following is substituted in lieu thereof  
145 (*Effective from passage*):

146 (a) (1) On and after October 1, 2013, the Department of Children and

147 Families shall, within available appropriations, ensure that each child  
148 thirty-six months of age or younger who has been substantiated as a  
149 victim of abuse or neglect is screened for both developmental and  
150 social-emotional delays using validated assessment tools such as the  
151 Ages and Stages and the Ages and Stages-Social/Emotional  
152 Questionnaires, or their equivalents. The department shall ensure that  
153 such screenings are administered to any such child twice annually,  
154 unless such child has been found to be eligible for the birth-to-three  
155 program, established under section 17a-248b.

156 (2) On and after July 1, 2015, the department shall ensure that each  
157 child thirty-six months of age or younger who is being served through  
158 the department's [differential] family assessment response program,  
159 established under section 17a-101g, is screened for both developmental  
160 and social-emotional delays using validated assessment tools such as  
161 the Ages and Stages and the Ages and Stages-Social/Emotional  
162 Questionnaires, or their equivalents, unless such child has been found  
163 to be eligible for the birth-to-three program.

164 (b) The department shall refer any child exhibiting developmental  
165 or social-emotional delays pursuant to such screenings to the birth-to-  
166 three program. The department shall refer any child who is not found  
167 eligible for services under the birth-to-three program to the Help Me  
168 Grow prevention program of the Children's Trust Fund or a similar  
169 program [which] that the department deems appropriate.

170 (c) Not later than July 1, 2014, and annually thereafter, the  
171 department shall submit, in accordance with the provisions of section  
172 11-4a, a report to the joint standing committee of the General Assembly  
173 having cognizance of matters relating to children for inclusion in the  
174 annual report card prepared pursuant to section 2-53m on the status of  
175 the screening and referral program authorized pursuant to subsection  
176 (a) of this section. Such report shall include: (1) The number of children  
177 thirty-six months of age or younger within the state who have been  
178 substantiated as victims of abuse or neglect within the preceding  
179 twelve months; (2) the number of children thirty-six months of age or

180 younger within the state who have been served through the  
 181 department's [differential] family assessment response program within  
 182 the preceding twelve months; (3) the number of children who were  
 183 screened for developmental and social-emotional delays pursuant to  
 184 subsection (a) of this section by the department or by a provider  
 185 contracted by the department within the preceding twelve months; (4)  
 186 the number of children in subdivisions (1) and (2) of this subsection  
 187 referred for evaluation under the birth-to-three program within the  
 188 preceding twelve months, the number of such children actually  
 189 evaluated under such program, the number of such children found  
 190 eligible for services under such program and the services for which  
 191 such children were found eligible under such program; and (5) the  
 192 number of children described in subdivisions (1) and (2) of this  
 193 subsection receiving evidence-based developmental support services  
 194 through the birth-to-three program or through a provider contracted  
 195 by the department within the preceding twelve months.

196 Sec. 8. Section 17a-63a of the general statutes is repealed. (*Effective*  
 197 *October 1, 2014*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2014</i>	17a-11(d)
Sec. 2	<i>October 1, 2014</i>	17a-93(13)
Sec. 3	<i>October 1, 2014</i>	17a-111b(c)
Sec. 4	<i>October 1, 2014</i>	17a-114a
Sec. 5	<i>October 1, 2014</i>	New section
Sec. 6	<i>from passage</i>	17a-28(g)(10)
Sec. 7	<i>from passage</i>	17a-106e
Sec. 8	<i>October 1, 2014</i>	Repealer section

**KID**      *Joint Favorable Subst.*